

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yury KALNITSKY
Application No. : 10/760,137 Filed : January 16, 2004
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION
Examiner : Chirag R. PATEL
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

**REQUEST FOR RECONSIDERATION OF DECISION ON
REQUEST TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

SIR:

This is a request for reconsideration of the Decision on Petition dated August 7, 2008 denying the request to withdraw the Office's holding of abandonment for failure to timely pay the Issue Fee.

Applicants' representative based the original request for withdrawal of the holding of abandonment on not receiving the Notice of Allowance prior to abandonment despite the filing of a Customer Number Upload on August 28, 2007 requesting a customer number change (and correspondence address change). The Decision (page 2) found that the Customer Number Upload was ineffective because:

The record does not show that David B. Ritchie [who signed the cover letter for the upload] was a patent practitioner of record appointed in compliance with 37 CFR 1.32(b) (e.g. power of attorney) in this application on August 28, 2007 [and] could not change the correspondence address of record in above-identified application.

As a result, the Decision (page 2) concluded that:

For this reason, the USPTO/Electronic Business Center did not change the correspondence address to the address associated with Customer No. 20999. Accordingly, the Notice of Allowance and Fee(s) Due was mailed to the proper correspondence of records as it existed on December 13, 2007.

Applicants' undersigned representative discussed the Decision by telephone with Senior Petitions Attorney Donnell, and informed her that the reason a Customer Number Upload signed by Mr. Ritchie was filed is because a prior Customer Number Upload filed August 13, 2007 signed by the undersigned requesting a change in customer number and correspondence address for this application was rejected by the Office. Applicants' representative appreciates Ms. Donnell's time and attention during the telephone conference.

Applicants' request for reconsideration is based on the prior Customer Number Upload filed August 13, 2007 signed by the undersigned, and also on the totality of the circumstances, including the filing of two Customer Number Uploads and Applicants' undersigned representative not being informed by the Office that the second Upload was not processed for this application.

Request Exhibit I attached to the DeRosa Declaration filed herewith shows that a Customer Number Upload signed by Mr. DeRosa was filed on August 13, 2007 (Exhibit I, page 3, at the top) and included Serial No. 10/760,137 (Exhibit I, pages 4 & 8). However, Exhibit I further shows that the requested change for this application was "not processed" because:

The Attorney(s)/Agent(s) who signed the cover letter [i.e., Mr. DeRosa] are not listed in our database as having power of attorney for the listed application." (Exhibit I, page 3, under Step 1.)

Page 4 of Exhibit I on the row for “10760137” indicates that the upload for 10/760,137 was rejected because the power of attorney (“POA”) did not include the undersigned as an appointed attorney (“POA OK? – No”). Similarly, page 8 of Exhibit I includes a row for “10760137” in which “POA must sign cover letter” appears in the column headed “Validation Results.”

Request Exhibit J is a copy of the Declaration and Power of Attorney filed in this application which lists on page 3 thereof Mr. DeRosa as an appointed attorney.

It is submitted that the Customer Number Upload filed August 13, 2007 changing the correspondence address should have been processed, and that the Office’s failure to mail the Notice of Allowance to the new correspondence address is sufficient reason to grant this request to withdraw the holding of abandonment.

This Request for Reconsideration should also be granted based on non-receipt of the Notice of Allowance by Applicants’ undersigned representative prior to abandonment and the totality of the circumstances. The facts surrounding the abandonment are provided in the original and supplemental requests, and in this request for reconsideration. In summary:

- Applicants’ undersigned representative attempted twice to change the correspondence address for this application. While Applicants’ undersigned representative was apprised that the first Customer Number Upload filed August 13, 2007 was not processed for this application, he was not informed and was not aware before abandonment of the application that the second Customer Number Upload filed August 28, 2007 also was not processed for this application.
- Applicants’ undersigned representative learned of the abandonment through a status check of the application at about the time of the abandonment prompted by the undersigned’s learning of discrepancies in the correspondence address and/or attorneys of

record for some applications included in the Customer Number Upload filed on August 28, 2007.

- Applicants' undersigned representative in fact did *not* receive a copy of, and was *not* aware of, the Notice of Allowance prior to abandonment.
- Applicants' representative filed a request to withdraw the holding of abandonment on April 16, 2008, only 34 days after actual abandonment of the application, and only four business days after first learning of the abandonment on April 10, 2008.
- Applicants' undersigned representative promptly filed a new power of attorney on April 16, 2008.
- As far as the undersigned is aware, this application is the only one included in the Uploads that was unintentionally abandoned.

The facts, as summarized above, demonstrate that Applicants' representative was diligent in his handling of this application, and but for the Office not informing him that the Customer Number Upload filed August 28, 2008 was not processed for this application, the abandonment would not have occurred. Thus, it is submitted, that the holding of abandonment should be withdrawn based on the Applicants' undersigned representative not receiving the Notice of Allowance prior to abandonment and the totality of the circumstances.

It is respectfully requested that the holding of abandonment be withdrawn based on the August 13, 2007 Upload and the totality of the circumstances, and that a Notice of Allowance be remailed to the new correspondence address for this application.

Please charge any fee required to process this paper and/or continue prosecution to Deposit Account No. 50-0320.

Date: September 25, 2008

Respectfully submitted,

Customer No. 20999
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151
Tel. (Direct) (212) 863-2619
Tel. (212) 588-0800
Fax (212) 588-0500



Frank J. DeRosa
Reg. No. 26,543

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yury KALNITSKY
Application No. : 10/760,137 Filed : January 16, 2004
Title : NETWORK ARCHITECTURE FOR DATA TRANSMISSION
Examiner : Chirag R. PATEL
Art Unit : 2141 Confirmation No. : 7187

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

DECLARATION OF FRANK J. DEROSA
IN SUPPORT OF REQUEST FOR RECONSIDERATION OF DECISION ON
REQUEST TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE

I, Frank J. DeRosa, declare as follows:

1. This Declaration supplements my Declarations filed in the above application on April 16, 2008 and June 20, 2008.

2. Attached as Request Exhibit I is a copy of an email dated August 15, 2007 from Ms Ameia Smith of the Office's Electronic Business Center. This email includes a letter (page 3 of the email) providing the status of a Customer Number Upload filed on August 13, 2008, and a spreadsheet (pages 4-11 of the email) with the status for each application in the upload.

3. The top of page 3 of Exhibit I shows that the Office received the Customer Number Upload on August 13, 2007 and that it was signed by Frank J. DeRosa, the undersigned.

4. Page 4 of Exhibit I includes a row for "10760137" in which a "No" appears in the column headed "POA Okay?"

5. Page 2 of Exhibit I gives the significance of the "POA Okay?" column as follows:

Column G, "POA Okay?" is the output of the Power of Attorney validation. When the upload process is run, the "Yes" or "No" value is the "flag" that determines if the application will be associated to the customer number or not. It will be YES if the POA is found and a values entered in Column A and/or Column B are Valid and correct. "It will be NO if either POA is not found or the values in Column A and/or B are invalid.

6. Page 8 of Exhibit I includes a row for "10760137" in which "POA must sign cover letter" appears in the column headed "Validation Results."

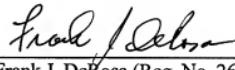
7. Attached as Request Exhibit J is a copy of the Declaration and Power of Attorney filed in this application, which on page 3 lists Frank J. DeRosa as an appointed attorney.

8. I was unaware that the Customer Number Upload filed August 28, 2007 was not processed for this application until after the date for paying the Issue Fee had passed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 25, 2008

Date



Frank J. DeRosa (Reg. No. 26,543)

DeRosa, Frank J.

From: Smith, Ameia (Trawick) [Ameia.Smith1@USPTO.GOV]
Sent: Wednesday, August 15, 2007 8:51 AM
To: DeRosa, Frank J.
Subject: Customer Number Upload Results for CN 20999
Attachments: How to read the upload spreadsheet.doc; Reg Number Query.doc; 20999msmatty.xls

Hello,

Attached are the results of the registration query and the upload for Customer Number 20999. Also attached is a document detailing how to read these reports and instructions for your next spreadsheet. Please be aware what the upload spreadsheet template located at the USPTO web site has been updated. Filing and patent dates are no longer a requirement as Power of Attorney is the audit check for each application. In terms of a Prose upload, the lack of Power of Attorney is the audit check. The link for the template is below.

http://www.uspto.gov/ebc/documents/cust_req_instructions.xls

If there are any questions please do not hesitate to call.

Amelia Smith
United States Patent Office
Electronic Business Center
Team Trawick
866-217-9197

UPLOAD PROCESS - HOW TO READ THE REGISTRATION MISMATCH SPREADSHEET

Columns A thru D list the original data supplied from the customer number upload spreadsheet (patent number, application number, correspondence address and fee address).

Column E, "Practitioner List" lists the registration number(s) of the attorney(s) who signed the cover letter.

If this is a Prose upload then this column is left blank.

Column F, "Upload Okay?" is the output of the upload. When the upload is performed, this column will list a "Rejected" (not uploaded to the customer number) or "Accepted" (uploaded and associated to the customer number).

Column G, "POA Okay?" is the output of the Power of Attorney validation. When the upload process is run, the "Yes" or "No" value is the "flag" that determines if the application will be associated to the customer number or not.

It will be YES if POA is found and all values entered in column A and / or column B are valid and correct.

It will be NO if either POA is not found or the values in column A and / or B are invalid.

If this is a Prose upload, then the output will be "Yes" if no Power of attorney is found.

Column H will list the patent number found in PALM based off of various combinations of the customer's input in column A and B.

Column I will list the application number found in PALM based off of various combinations of the customer's input in column A and B.

Column J "Mismatch?" will display a "Yes" if any combination of patent and application numbers are invalid in a given row. If "YES" then that row of data will not upload.

Column K "Validation Results" lists a descriptive narrative on the result of the Registration Mismatch application.

Dear Sir / Madam,

This letter is in regard to a Customer Number Upload (CN Upload) spreadsheet that was received by the USPTO with the following information:

Date received: 8/13/07
Customer number: 20999
Signed by: Frank DeRosa
Registration number: 26543

We are sending this notice to notify you of the status of your CN Upload spreadsheet. Please note, two steps must be met to successfully complete the CN Upload process.

Step 1 – Confirmation of Signatory Authority for Spreadsheet Cover Letter

The individual(s) who signed the cover letter must be the applicant(s) or Attorney(s)/Agent(s) of record for the application.

The attached MS Excel spreadsheet lists all of the applications that were submitted. Those serial numbers that contain a 'NO' in the 'POA Okay' column were not processed. The Attorney(s)/Agent(s) who signed the cover letter are not listed in our database as having Power of Attorney for the listed applications or there was an error in the application/patent number.

Remedy for those Applications for which Step 1 was not Successfully Completed:

To correct the application submissions that did not successfully meet the criteria in Step 1, and so were not processed, associate those applications by submitting a new spreadsheet and cover letter with the appropriate attorney registration numbers and signatures. Instructions and a spreadsheet template are located at <http://www.uspto.gov/ebc/downloads.html> under Customer Number Update Template.

In the case of applications where you do not have Power of Attorney, please fill out and complete the proper Power of Attorney form SB81/82 and fax it to the USPTO centralized fax number of 703-872-9306 prior to submitting your spreadsheet. Please review OG Notice May 26th 2004, Revision of Power of Attorney and Assignment Practice for further information. <http://www.uspto.gov/web/offices/com/notices/69fr29865.pdf>

Also verify that the serial numbers entered are the correct numbers.

Step 2 –Invalid serial number(s) – pending application and/or patent numbers

An invalid serial number was entered in the spreadsheet. This is indicated by a "YES" in the Mismatch column.

Remedy for those Applications for which Step 2 was not Successfully Completed:

Ensure that the serial numbers entered meet the spreadsheet requirements (see Customer Number Upload Template). http://www.uspto.gov/ebc/documents/cust_req_instructions.xls

Questions?

If you have any questions about this email or any of our Patent Business e-government tools or systems, please do not hesitate to contact the Patent Electronic Business Center at 866-217-9197.

Regards,

USPTO
Patent Electronic Business Center
1-866-217-9197 / 703-305-3028

Frommer Lawrence and Haug LLP
 745 Fifth Avenue
 New York New York 10151
 Telephone: 212-588-0800
 Facsimile: 212-588-0500

Registration Number Mismatch

| Pat. # | Appl # | Corr Addr Change | Fee Addr Change | Practitioner List | Upload OK? | POA Okay? | Pat. #? |
|--------|----------|------------------|-----------------|-------------------|------------|-----------|---------|
| | 09412408 | Yes | Yes | 26543 | Rejected | No | |
| | 09451207 | Yes | Yes | | Rejected | No | |
| | 09476935 | Yes | Yes | | Rejected | No | |
| | 09562506 | Yes | Yes | | Rejected | No | |
| | 09584045 | Yes | Yes | | Rejected | No | |
| | 09760196 | Yes | Yes | | Rejected | No | |
| | 09839529 | Yes | Yes | | Rejected | No | |
| | 09943442 | Yes | Yes | | Rejected | No | |
| | 10044568 | Yes | Yes | | Rejected | No | |
| | 10136845 | Yes | Yes | | Rejected | No | |
| | 10186541 | Yes | Yes | | Rejected | No | |
| | 10187631 | Yes | Yes | | Rejected | No | |
| | 10218375 | Yes | Yes | | Rejected | No | |
| | 10300698 | Yes | Yes | | Rejected | No | |
| | 10448485 | Yes | Yes | | Rejected | No | |
| | 10651361 | Yes | Yes | | Rejected | No | |
| ✓ | 10760137 | Yes | Yes | | Rejected | No | |
| | 10831965 | Yes | Yes | | Rejected | No | |
| | 10868676 | Yes | Yes | | Rejected | No | |
| | 10882096 | Yes | Yes | | Rejected | No | |
| | 10892520 | Yes | Yes | | Rejected | No | |
| | 10913140 | Yes | Yes | | Rejected | No | |
| | 10946444 | Yes | Yes | | Rejected | No | |
| | 10956721 | Yes | Yes | | Rejected | No | |
| | 10963205 | Yes | Yes | | Rejected | No | |
| | 10963462 | Yes | Yes | | Rejected | No | |
| | 10991965 | Yes | Yes | | Rejected | No | |
| | 10995734 | Yes | Yes | | Rejected | No | |
| | 11027780 | Yes | Yes | | Rejected | No | |
| | 11048661 | Yes | Yes | | Rejected | No | |
| | 11056786 | Yes | Yes | | Rejected | No | |
| | 11087775 | Yes | Yes | | Rejected | No | |
| | 11108355 | Yes | Yes | | Rejected | No | |
| | 11112696 | Yes | Yes | | Rejected | No | |
| | 11120652 | Yes | Yes | | Rejected | No | |
| | 11142908 | Yes | Yes | | Rejected | No | |
| | 11157380 | Yes | Yes | | Rejected | No | |
| | 11241470 | Yes | Yes | | Rejected | No | |

| | | | | | |
|----------|----------|-----|----------|----|---------|
| 11249846 | Yes | Yes | Rejected | No | |
| 11250829 | Yes | Yes | Rejected | No | |
| 11263622 | Yes | Yes | Rejected | No | |
| 11274821 | Yes | Yes | Rejected | No | |
| 11323980 | Yes | Yes | Rejected | No | |
| 11324134 | Yes | Yes | Rejected | No | |
| 11347144 | Yes | Yes | Rejected | No | |
| 11347146 | Yes | Yes | Rejected | No | |
| 11356739 | Yes | Yes | Rejected | No | |
| 11394523 | Yes | Yes | Rejected | No | |
| 11412315 | Yes | Yes | Rejected | No | |
| 11463751 | Yes | Yes | Rejected | No | |
| 11532093 | Yes | Yes | Rejected | No | |
| 11681279 | Yes | Yes | Rejected | No | |
| 11696864 | Yes | Yes | Rejected | No | |
| 11697940 | Yes | Yes | Rejected | No | |
| 11744932 | Yes | Yes | Rejected | No | |
| 29174696 | Yes | Yes | Rejected | No | |
| 29188427 | Yes | Yes | Rejected | No | |
| 29188428 | Yes | Yes | Rejected | No | |
| 29276203 | Yes | Yes | Rejected | No | |
| 29279652 | Yes | Yes | Rejected | No | |
| 60152017 | Yes | Yes | Rejected | No | |
| 60229173 | Yes | Yes | Rejected | No | |
| 60256009 | Yes | Yes | Rejected | No | |
| 60287339 | Yes | Yes | Rejected | No | |
| 60312195 | Yes | Yes | Rejected | No | |
| 60348161 | Yes | Yes | Rejected | No | |
| 60358472 | Yes | Yes | Rejected | No | |
| 60366910 | Yes | Yes | Rejected | No | |
| 60392061 | Yes | Yes | Rejected | No | |
| 60400617 | Yes | Yes | Rejected | No | |
| 60404789 | Yes | Yes | Rejected | No | |
| 60484168 | Yes | Yes | Rejected | No | |
| 60487471 | Yes | Yes | Rejected | No | |
| 60493904 | Yes | Yes | Rejected | No | |
| 60510605 | Yes | Yes | Rejected | No | |
| 60520905 | Yes | Yes | Rejected | No | |
| 60533137 | Yes | Yes | Rejected | No | |
| 60540857 | Yes | Yes | Rejected | No | |
| 60558665 | Yes | Yes | Rejected | No | |
| 60567309 | Yes | Yes | Rejected | No | |
| 60576935 | Yes | Yes | Rejected | No | |
| 60618386 | Yes | Yes | Rejected | No | |
| 60627855 | Yes | Yes | Rejected | No | |
| 60790347 | Yes | Yes | Rejected | No | |
| 60822589 | Yes | Yes | Rejected | No | |
| 60864163 | Yes | Yes | Rejected | No | |
| 60912926 | Yes | Yes | Rejected | No | |
| 60914651 | Yes | Yes | Rejected | No | |
| 60943458 | Yes | Yes | Rejected | No | |
| 4814589 | 06853745 | Yes | Rejected | No | 4814589 |
| 5160901 | 07581672 | Yes | Rejected | No | 5160901 |

| | | | | | | |
|---------|----------|-----|-----|----------|----|---------|
| 5283422 | 07927798 | Yes | Yes | Rejected | No | 5283422 |
| 5283422 | 90005308 | Yes | Yes | Rejected | No | |
| 5367148 | 07699904 | Yes | Yes | Rejected | No | 5142940 |
| 5548110 | 08225731 | Yes | Yes | Rejected | No | 5548110 |
| 5675137 | 08303512 | Yes | Yes | Rejected | No | 5675137 |
| 5717430 | 08690025 | Yes | Yes | Rejected | No | 5717430 |
| 5889270 | 08833378 | Yes | Yes | Rejected | No | 5889270 |
| 5990858 | 08707433 | Yes | Yes | Rejected | No | 5990858 |
| 6048031 | 09239350 | Yes | Yes | Rejected | No | 6048031 |
| 6062481 | 08689927 | Yes | Yes | Rejected | No | 6062481 |
| 6514140 | 09335100 | Yes | Yes | Rejected | No | 6514140 |
| 6577201 | 10023954 | Yes | Yes | Rejected | No | 6577201 |
| 6753737 | 10390557 | Yes | Yes | Rejected | No | 6753737 |
| 6840904 | 09975097 | Yes | Yes | Rejected | No | 6840904 |
| 7106143 | 11096318 | Yes | Yes | Rejected | No | 7106143 |
| 7124947 | 10321020 | Yes | Yes | Rejected | No | 7124947 |
| D411225 | 29697957 | Yes | Yes | Rejected | No | D411225 |
| D421041 | 29083114 | Yes | Yes | Rejected | No | D421041 |
| D467264 | 29116365 | Yes | Yes | Rejected | No | D467264 |
| D492308 | 29171114 | Yes | Yes | Rejected | No | D492308 |
| D492684 | 29171697 | Yes | Yes | Rejected | No | D492684 |
| D496936 | 29190258 | Yes | Yes | Rejected | No | D496936 |
| D496937 | 29190262 | Yes | Yes | Rejected | No | D496937 |
| D496938 | 29190493 | Yes | Yes | Rejected | No | D496938 |
| D497167 | 29190494 | Yes | Yes | Rejected | No | D497167 |
| D497364 | 29171670 | Yes | Yes | Rejected | No | D497364 |
| D501208 | 29204588 | Yes | Yes | Rejected | No | D501208 |
| D508245 | 29208850 | Yes | Yes | Rejected | No | D508245 |

| | | | | | | |
|---------|----------|-----|-----|----------|-----|---------|
| D516070 | 29204911 | Yes | Yes | Rejected | No | D516070 |
| D535992 | 29208915 | Yes | Yes | Rejected | No | D535992 |
| | 07919502 | Yes | Yes | Accepted | Yes | |
| | 08697796 | Yes | Yes | Accepted | Yes | |
| | 10045586 | Yes | Yes | Accepted | Yes | |
| | 10081132 | Yes | Yes | Accepted | Yes | |
| | 10290017 | Yes | Yes | Accepted | Yes | |
| | 10325702 | Yes | Yes | Accepted | Yes | |
| | 10395839 | Yes | Yes | Accepted | Yes | |
| | 10603207 | Yes | Yes | Accepted | Yes | |
| | 10611517 | Yes | Yes | Accepted | Yes | |
| | 10611652 | Yes | Yes | Accepted | Yes | |
| | 10643663 | Yes | Yes | Accepted | Yes | |
| | 10728427 | Yes | Yes | Accepted | Yes | |
| | 10840588 | Yes | Yes | Accepted | Yes | |
| | 10928649 | Yes | Yes | Accepted | Yes | |
| | 10971850 | Yes | Yes | Accepted | Yes | |
| | 11085762 | Yes | Yes | Accepted | Yes | |
| | 11199843 | Yes | Yes | Accepted | Yes | |
| | 11351426 | Yes | Yes | Accepted | Yes | |
| | 11530286 | Yes | Yes | Accepted | Yes | |
| | 60342256 | Yes | Yes | Accepted | Yes | |
| | 60562876 | Yes | Yes | Accepted | Yes | |
| | 60622527 | Yes | Yes | Accepted | Yes | |
| | 60627856 | Yes | Yes | Accepted | Yes | |
| | 60653653 | Yes | Yes | Accepted | Yes | |
| | 60707375 | Yes | Yes | Accepted | Yes | |
| 4701661 | 06738697 | Yes | Yes | Accepted | Yes | 4701661 |
| 4748367 | 06801485 | Yes | Yes | Accepted | Yes | 4748367 |
| 5088093 | 07109075 | Yes | Yes | Accepted | Yes | 5088093 |
| 5107226 | 07648149 | Yes | Yes | Accepted | Yes | 5107226 |
| 5309116 | 07970701 | Yes | Yes | Accepted | Yes | 5309116 |
| 6919678 | 10300648 | Yes | Yes | Accepted | Yes | 6919678 |
| 7046234 | 10301117 | Yes | Yes | Accepted | Yes | 7046234 |
| D486483 | 29154401 | Yes | Yes | Accepted | Yes | D486483 |
| D486484 | 29154402 | Yes | Yes | Accepted | Yes | D486484 |
| D496362 | 29166843 | Yes | Yes | Accepted | Yes | D496362 |
| D496363 | 29166844 | Yes | Yes | Accepted | Yes | D496363 |
| D500037 | 29166842 | Yes | Yes | Accepted | Yes | D500037 |
| D507270 | 29209197 | Yes | Yes | Accepted | Yes | D507270 |
| D507570 | 29209177 | Yes | Yes | Accepted | Yes | D507570 |

| Appl #? | Mismatch? | Validation Results |
|------------|-----------|---|
| 09412408 | No | POA must sign cover letter. Application 09412408 found. |
| 09451207 | No | POA must sign cover letter. Application 09451207 found. |
| 09476935 | No | POA must sign cover letter. Application 09476935 found. |
| 09562506 | No | POA must sign cover letter. Application 09562506 found. |
| 09584045 | No | POA must sign cover letter. Application 09584045 found. |
| 09760196 | No | POA must sign cover letter. Application 09760196 found. |
| 09839529 | No | POA must sign cover letter. Application 09839529 found. |
| 09943442 | No | POA must sign cover letter. Application 09943442 found. |
| 10044568 | No | POA must sign cover letter. Application 10044568 found. |
| 10136845 | No | POA must sign cover letter. Application 10136845 found. |
| 10186541 | No | POA must sign cover letter. Application 10186541 found. |
| 10187631 | No | POA must sign cover letter. Application 10187631 found. |
| 10218375 | No | POA must sign cover letter. Application 10218375 found. |
| 10300698 | No | POA must sign cover letter. Application 10300698 found. |
| 10448485 | No | POA must sign cover letter. Application 10448485 found. |
| 10651361 | No | POA must sign cover letter. Application 10651361 found. |
| ✓ 10760137 | No | POA must sign cover letter. Application 10760137 found. |
| 10831965 | No | POA must sign cover letter. Application 10831965 found. |
| 10868676 | No | POA must sign cover letter. Application 10868676 found. |
| 10882096 | No | POA must sign cover letter. Application 10882096 found. |
| 10892520 | No | POA must sign cover letter. Application 10892520 found. |
| 10913140 | No | POA must sign cover letter. Application 10913140 found. |
| 10946444 | No | POA must sign cover letter. Application 10946444 found. |
| 10956721 | No | POA must sign cover letter. Application 10956721 found. |
| 10963205 | No | POA must sign cover letter. Application 10963205 found. |
| 10963462 | No | POA must sign cover letter. Application 10963462 found. |
| 10991965 | No | POA must sign cover letter. Application 10991965 found. |
| 10995734 | No | POA must sign cover letter. Application 10995734 found. |
| 11027780 | No | POA must sign cover letter. Application 11027780 found. |
| 11048661 | No | POA must sign cover letter. Application 11048661 found. |
| 11056786 | No | POA must sign cover letter. Application 11056786 found. |
| 11087775 | No | POA must sign cover letter. Application 11087775 found. |
| 11108355 | No | POA must sign cover letter. Application 11108355 found. |
| 11112696 | No | POA must sign cover letter. Application 11112696 found. |
| 11120652 | No | POA must sign cover letter. Application 11120652 found. |
| 11142908 | No | POA must sign cover letter. Application 11142908 found. |
| 11157380 | No | POA must sign cover letter. Application 11157380 found. |
| 11241470 | No | POA must sign cover letter. Application 11241470 found. |

| | |
|-------------|---|
| 11249846 No | POA must sign cover letter. Application 11249846 found. |
| 11250829 No | POA must sign cover letter. Application 11250829 found. |
| 11263622 No | POA must sign cover letter. Application 11263622 found. |
| 11274821 No | POA must sign cover letter. Application 11274821 found. |
| 11323980 No | POA must sign cover letter. Application 11323980 found. |
| 11324134 No | POA must sign cover letter. Application 11324134 found. |
| 11347144 No | POA must sign cover letter. Application 11347144 found. |
| 11347146 No | POA must sign cover letter. Application 11347146 found. |
| 11356739 No | POA must sign cover letter. Application 11356739 found. |
| 11394523 No | POA must sign cover letter. Application 11394523 found. |
| 11412315 No | POA must sign cover letter. Application 11412315 found. |
| 11463751 No | POA must sign cover letter. Application 11463751 found. |
| 11532093 No | POA must sign cover letter. Application 11532093 found. |
| 11681279 No | POA must sign cover letter. Application 11681279 found. |
| 11696864 No | POA must sign cover letter. Application 11696864 found. |
| 11697940 No | POA must sign cover letter. Application 11697940 found. |
| 11744932 No | POA must sign cover letter. Application 11744932 found. |
| 29174696 No | POA must sign cover letter. Application 29174696 found. |
| 29188427 No | POA must sign cover letter. Application 29188427 found. |
| 29188428 No | POA must sign cover letter. Application 29188428 found. |
| 29276203 No | POA must sign cover letter. Application 29276203 found. |
| 29279652 No | POA must sign cover letter. Application 29279652 found. |
| 60152017 No | POA must sign cover letter. Application 60152017 found. |
| 60229173 No | POA must sign cover letter. Application 60229173 found. |
| 60256009 No | POA must sign cover letter. Application 60256009 found. |
| 60287339 No | POA must sign cover letter. Application 60287339 found. |
| 60312195 No | POA must sign cover letter. Application 60312195 found. |
| 60348161 No | POA must sign cover letter. Application 60348161 found. |
| 60358472 No | POA must sign cover letter. Application 60358472 found. |
| 60366910 No | POA must sign cover letter. Application 60366910 found. |
| 60392061 No | POA must sign cover letter. Application 60392061 found. |
| 60400617 No | POA must sign cover letter. Application 60400617 found. |
| 60404789 No | POA must sign cover letter. Application 60404789 found. |
| 60484168 No | POA must sign cover letter. Application 60484168 found. |
| 60487471 No | POA must sign cover letter. Application 60487471 found. |
| 60493904 No | POA must sign cover letter. Application 60493904 found. |
| 60510605 No | POA must sign cover letter. Application 60510605 found. |
| 60520905 No | POA must sign cover letter. Application 60520905 found. |
| 60533137 No | POA must sign cover letter. Application 60533137 found. |
| 60540857 No | POA must sign cover letter. Application 60540857 found. |
| 60558665 No | POA must sign cover letter. Application 60558665 found. |
| 60567309 No | POA must sign cover letter. Application 60567309 found. |
| 60576935 No | POA must sign cover letter. Application 60576935 found. |
| 60618386 No | POA must sign cover letter. Application 60618386 found. |
| 60627855 No | POA must sign cover letter. Application 60627855 found. |
| 60790347 No | POA must sign cover letter. Application 60790347 found. |
| 60822589 No | POA must sign cover letter. Application 60822589 found. |
| 60864163 No | POA must sign cover letter. Application 60864163 found. |
| 60912926 No | POA must sign cover letter. Application 60912926 found. |
| 60914651 No | POA must sign cover letter. Application 60914651 found. |
| 60943458 No | POA must sign cover letter. Application 60943458 found. |
| 06853745 No | POA must sign cover letter. Pat. 4814589 found. Application 06853745 found. |
| 07581672 No | POA must sign cover letter. Pat. 5160901 found. Application 07581672 found. |

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| 07927798 | No | POA must sign cover letter. Pat. 5283422 found. Application 07927798 found. |
| 07927798 | Yes | Pat. 5283422 does not match application 90005308 |
| 07669904 | Yes | Pat. 5367148 does not match application 07699904 |
| 08225731 | No | POA must sign cover letter. Pat. 5548110 found. Application 08225731 found. |
| 08303512 | No | POA must sign cover letter. Pat. 5675137 found. Application 08303512 found. |
| 08690025 | No | POA must sign cover letter. Pat. 5717430 found. Application 08690025 found. |
| 08833378 | No | POA must sign cover letter. Pat. 5889270 found. Application 08833378 found. |
| 08707433 | No | POA must sign cover letter. Pat. 5990858 found. Application 08707433 found. |
| 09239350 | No | POA must sign cover letter. Pat. 6048031 found. Application 09239350 found. |
| 08689927 | No | POA must sign cover letter. Pat. 6062481 found. Application 08689927 found. |
| 09335100 | No | POA must sign cover letter. Pat. 6514140 found. Application 09335100 found. |
| 10023954 | No | POA must sign cover letter. Pat. 6577201 found. Application 10023954 found. |
| 10390557 | No | POA must sign cover letter. Pat. 6753737 found. Application 10390557 found. |
| 09975097 | No | POA must sign cover letter. Pat. 6840904 found. Application 09975097 found. |
| 11096318 | No | POA must sign cover letter. Pat. 7106143 found. Application 11096318 found. |
| 10321020 | No | POA must sign cover letter. Pat. 7124947 found. Application 10321020 found. |
| NOT FOUND | Yes | Pat. D411225 found. Application 29697957 not found. Pat. D411225 does not match application 29697957 |
| 29083114 | No | POA must sign cover letter. Pat. D421041 found. Application 29083114 found. |
| 29116365 | No | POA must sign cover letter. Pat. D467264 found. Application 29116365 found. |
| 29171114 | No | POA must sign cover letter. Pat. D492308 found. Application 29171114 found. |
| 29171697 | No | POA must sign cover letter. Pat. D492684 found. Application 29171697 found. |
| 29190258 | No | POA must sign cover letter. Pat. D496936 found. Application 29190258 found. |
| 29190262 | No | POA must sign cover letter. Pat. D496937 found. Application 29190262 found. |
| 29190493 | No | POA must sign cover letter. Pat. D496938 found. Application 29190493 found. |
| 29190494 | No | POA must sign cover letter. Pat. D497167 found. Application 29190494 found. |
| 29171670 | No | POA must sign cover letter. Pat. D497364 found. Application 29171670 found. |
| 29204588 | No | POA must sign cover letter. Pat. D501208 found. Application 29204588 found. |
| 29208850 | No | POA must sign cover letter. Pat. D508245 found. Application 29208850 found. |

POA must sign cover letter. Pat. D516070 found. Application 29204911 found.
29204911 No
POA must sign cover letter. Pat. D535992 found. Application 29208915 found.
29208915 No
07919502 No
08697796 No
10045586 No
10081132 No
10290017 No
10325702 No
10395839 No
10603207 No
10611517 No
10611652 No
10643663 No
10728427 No
10840588 No
10928649 No
10971850 No
11085762 No
11199843 No
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11530286 No
60342256 No
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60622527 No
60627856 No
60653653 No
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06801485 No
07109075 No
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07970701 No
10300648 No
10301117 No
29154401 No
29154402 No
29166843 No
29166844 No
29166842 No
29209197 No
29209177 No
Application 07919502 found.
Application 08697796 found.
Application 10045586 found.
Application 10081132 found.
Application 10290017 found.
Application 10325702 found.
Application 10395839 found.
Application 10603207 found.
Application 10611517 found.
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Application 10643663 found.
Application 10728427 found.
Application 10840588 found.
Application 10928649 found.
Application 10971850 found.
Application 11085762 found.
Application 11199843 found.
Application 11351426 found.
Application 11530286 found.
Application 60342256 found.
Application 60562876 found.
Application 60622527 found.
Application 60627856 found.
Application 60653653 found.
Application 60707375 found.
Pat. 4701661 found. Application 06738697 found.
Pat. 4748367 found. Application 06801485 found.
Pat. 5088093 found. Application 07109075 found.
Pat. 5107226 found. Application 07648149 found.
Pat. 5309116 found. Application 07970701 found.
Pat. 6919678 found. Application 10300648 found.
Pat. 7046234 found. Application 10301117 found.
Pat. D486483 found. Application 29154401 found.
Pat. D486484 found. Application 29154402 found.
Pat. D496362 found. Application 29166843 found.
Pat. D496363 found. Application 29166844 found.
Pat. D500037 found. Application 29166842 found.
Pat. D507270 found. Application 29209197 found.
Pat. D507570 found. Application 29209177 found.

Any Docket No. 3524/199

BEST AVAILABLE COPY**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION****(COMPLETE IF KNOWN)**

| | |
|--------------------|------------------|
| Application Number | 10/760,137 |
| Filing Date | 01/16/04 |
| Group Art Unit | 2171 |
| Examiner | Not yet assigned |

| | | |
|----------------------|------------|----------------|
| Attorney | Docket No. | 3524/199 |
| First Named Inventor | | Yury KALNITSKY |

This declaration is *(check one)*:

submitted with initial filing;
 submitted after initial filing;
 a supplemental declaration.

This application is of the following type:

utility;
 design;
 national stage of PCT;
 divisional, continuation or continuation-in-part.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*If plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled**NETWORK ARCHITECTURE FOR DATA TRANSMISSION**the specification of which: *(check one)*

is attached hereto; or
 was filed on January 16, 2004 as U.S. Application Serial No. 10/760,137, and is/was amended on _____ *(if applicable)*;
 was described and claimed in PCT International Application No. _____ filed on _____ and was amended under PCT Article 19 on _____ *(if applicable)*.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the

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Atty Docket No. 3524/199

United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (*if any*):

| Foreign/PCT Application Number | Country | Filing Date (MM/DD/YYYY) | Priority Claimed |
|--------------------------------|---------|--------------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (*if any*):

| Provisional Application No. | Filing Date |
|-----------------------------|-------------|
| | |
| | |
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| U.S./PCT Parent Application No. | Filing Date | Status (<i>Patented, Pending, or Abandoned</i>) |
|---------------------------------|-------------|---|
| | | |
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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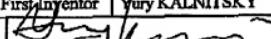
Atty Docket No. 3524/199

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|---------------------------------------|---------------------------------------|
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| Pamela G. Maher, Reg. No. 40,712 | Leslie Restaino, Reg. No. 38,893 |
| Matthew J. Marquardt, Reg. No. 40,997 | Frederick Yu, Reg. No. 45,251 |
| James J. Woods, Reg. No. 47,184 | Ivan Posey, Reg. No. 43,865 |
| Robert L. Kovelman, Reg. No. 51,897 | Madeline F. Baer, Reg. No. 36,437 |
| Robert Bauer, Reg. No. 34,487 | John Daner, Reg. No. 39,953 |
| James Demers, Reg. No. 34,320 | Daniel Hansburg, Reg. No. 36,156 |
| Todd Holmbo, Reg. No. 42,665 | Pristine Johannessen, Reg. No. 55,302 |
| Vanessa Owen, Reg. No. 44,274 | Antonio Papageorgiou, Reg. No. 53,431 |
| Steve Rubin, Reg. No. 43,063 | Michael Shanahan, Reg. No. 43,914 |
| Zhaohui Wang, Reg. No. 54,674 | |

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New York, New York 10022

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| | | | |
|-------------------------------------|---|-------------|---------|
| Full Name of Sole or First Inventor | Vury KALNITSKY | | |
| Inventor's Signature |  | Date | 7/29/04 |
| Residence | 264 Lindell Blvd. | Citizenship | U.S.A. |
| Post. Office Address | 264 Lindell Blvd., Long Beach, New York 11561 | | |

(check one) Sheets containing additional joint inventors are, are not attached hereto.